<center>**REMARKS**</center>

Claims 28-41 are pending. Claims 28 and 34 are amended to more clearly point out the distinctions over the cited art. Applicant respectfully requests reconsideration of the rejected claims based on the distinctions demonstrated below.

35 U.S.C. § 102 Rejections

Claims 28-41 stand rejected under 35 U.S.C. §102(e) as being anticipated by Cox et al., U.S. Patent No. 6,842,861. Applicant respectfully traverses this rejection.

A.   Governing Criteria

The criteria for a rejection under 35 U.S.C. § 102 as being anticipated by a prior printed publication is firmly established. For a claim to be anticipated by a single reference under 35 U.S.C. § 102(b), that reference <u>must on its own</u> satisfy each and every recitation in that claim. *Hakim v. Cannon Avent Group PLC*, 479 F.3d 1313; *Dayco Prods., Inc. v. Total Containment, Inc.*, 329 F.3d 1358, 1368-69 (Fed. Cir. 2003); *Elan Pharmaceuticals, Inc. v. Mayo Foundation for Medical Education and Research*, 346 F.3d 1051, 1054 (Fed. Cir. 2003); *Rosco, Inc. v. Mirror Lite Co.*, 120 Fed. Appx. 832, 835-836 (Fed. Cir. 2005); *Animatics Corp. v. Quicksilver Controls, Inc.*, 102 Fed. Appx. 659, 670 (Fed. Cir. 2004).

B.   Discussion

Cox, on its own, does not teach each and every element of the claims. For example, Cox does not teach "comparing versions of applications and content", "conduits communicating user identification information regarding the electronic device to the content server" and "wherein the newer versions of the applications are personalized for the electronic device based on the user identification information." In asserting anticipation, the Examiner cites:

> FIG. 11 is a flowchart illustrating a process for updating software installed on the handheld computer 20. At step 250, the handheld computer 20 is placed in communication with the client computer 22 (FIGS. 10 and 11). The communication link 120 may be initiated by placing the handheld computer 20 into cradle 24 (FIG. 1) or by any other suitable process, including those described above. The software update may be performed during synchronization of data between the handheld computer 20 and client computer 22, virus scanning of files on the handheld computer, or as a stand alone operation. The update conduit 220 first instructs the file transfer manager 110 to collect software information from the handheld computer 20 (step 252). The update conduit 220 creates a list of

applications installed on the handheld computer 20 and version information for each application in database 222 (step 254). A menu box is then displayed to the user to determine which applications the user wants to update and whether he wants to update the applications now or at a later time (step 256). If the user chooses to perform the update at a later time, the update program 224 will store application and version information from the handheld computer 20 and close the communication link 120 (step 258). If required, other conduits may be run before the link 120 is closed. If the updates are to be performed immediately, the communication link 120 will remain open while the updates are retrieved from the server 226.

After the update program 224 receives the software information from the handheld computer 20, it either automatically initiates a connection with the Internet or requests the user to connect with the Internet (if the client computer 22 is not already connected). The client computer 22 is connected to the Internet via a TCP/IP connection and an Internet interface program such as a Web browser is activated (step 260). The update program 224 transmits a sequence of information packets to the server 226 identifying which software version it would like updated (step 262). The server 226 responds by downloading software updates to the client computer 22. If no versions newer than those already installed on the handheld computer 20 are available, the server 226 sends a message stating this to the client computer 22. The update program 224 may have to contact a plurality of servers 226 to obtain updates for different handheld computer applications. The update program 224 preferably includes a list of Web sites (URLs) to contact for receiving updated versions of handheld computer software. This list may be updated as new application become available. Alternatively, the update program 224 may contact one Web site which includes links to other sites containing update information. An exemplary process for downloading files from the server 226 to the client computer 22 is described in U.S. patent application Ser. No. 09/001,611, referenced above.

The update program 224 transmits the software updates to the handheld computer 20 if the handheld computer is still connected to the client computer 22 (steps 268 and 270). If the handheld computer 20 is not connected to the client computer 22, the client computer stores the software updates in database 222 until the next time it is connected to the handheld computer (step 272). A dialog box may be displayed on the client computer 22 to report to the user which handheld applications have been updated (step 274). A dialog box may also be displayed to the user after information is transferred from the server 226, to identify the applications for which updates were found, along with the new version numbers, and ask the user which applications he wants updated on his handheld computer 20. After updates are made, the handheld computer 20 is disconnected from the client computer 22 (step 276). Col. 11, line 46 – col. 12, line 44.

However, no reference to user identification or using user identification to personalize applications and content is found. Cox describes a process by which an update conduit compares versions of <u>software only</u> to determine whether the software needs to be updated. Other than

indicating which software to update, the user in Cox is irrelevant to the application downloaded. The user's personal information does not change what is downloaded or updated. In other words, the applications and content are <u>not</u> personalized based on user identification information.

Any concept of personalization of applications and content is solely derived from the Applicant's specification. For example, Applicant's specification states:

> In another embodiment of the present invention, the content server dynamically creates a personalized and up-to-date version of the web platform application, or any application in general. After step 940 of process 900, when the conduit associated with the web platform application determines that present application is capable of being updated, the conduit coordinates the communication of identifying information about the user of the web platform application to the content server in step 943 of process 1000 in Figure 10. It is appreciated that the content server may be a stand-alone computer that is accessed directly, wirelessly, or through the Internet. In step 945, the content server accesses information about the user from databases available to the content server. This information may include such items as name, address, and other personal information that is gained through previous interactions with the user, through data mining techniques, or other data gathering techniques. In step 947, the content server dynamically creates a personalized and up-to-date web platform application. The process 1000 then proceeds to step 960 in Figure 9.

> Referring back to Figure 8, the XYZNEWS application 610 is personalized to the user, in one embodiment of the present invention. For example, line 830 shows a greeting to the user "Hello User." Further, by virtue of data mining techniques and previous interaction with the user, the content server associated with XYZNEWS application 610 knows that the user is specifically interested in various topics including the following: the country Kuza, the sport of bicycling, and medical developments in the area of Intrapartum Asphyxia. Previously, the user may have requested that the XYZNEWS application 610 be limited to these various topics of interest, or may have linked to these topic areas numerous times. Thus, when a user pulls up the front page 810 of XYZNEWS application 610, the user receives a personalized and up-to-date application. Specification, p. 32-33.

Cox does not disclose the concept of personalization of any application or content evidenced by the lack of any information that may identify a particular user.

Moreover, the Examiner has presented a circular conclusory statement regarding personalization in response to Applicant's argument. The Applicant disagrees that there is no reasonable limitation made by the terms "user identification information." The Examiner argues:

> Cox teaches the method includ[ing] a conduit which collects software information including a list of software installed on the handheld device, the version of each

> software (see col. 11 lines 46-67). Since there is not restriction on the content or type of identification of the claims "user identification information", then the information identifying the applications and the version of each of the applications installed on the handheld device are interpreted to be the "user identification information regarding the electronic device. Office Action, 11/9/09, p. 9.

Though the phrase "user identification information" is clearly defined by the specification as demonstrated above, the plain meaning of the phrase suggests that "user identification information" must be a type of information that identifies a user. The Examiner's first sentence and citation do not mention anything about information that _identifies_ a user. However, without any support, the conclusion is made that "user identification information" must be interpreted as the limitation that Cox describes, that is, the software downloaded. No explanation is provided in how determining differences in software versions identifies a user. Cox does not gather any personal information and nothing is known about the user of the device. The version comparison is completed irrespective of the identity of the user of the device. To interpret "the applications and version of each of the applications on the handheld device" as information that identifies a user is unsupported by Cox, Applicant's specification, industry use, and plain meaning. The only way to make such an interpretation is to somehow impermissibly derive it from Applicant's own specification.

Because Cox does not disclose or even contemplate the concept of personalized applications and content as disclosed and claimed, Cox cannot on its own teach or suggest each and every element of the present claims. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Claims 28-41 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Creemer et al., U.S. Patent No. 6,963,883. Applicant respectfully traverses this rejection.

Creemer, which is owned by Assignee of Applicant, does not disclose each and every element of the claims. For example, Creemer does not disclose personalization of applications and content based on user identification as claimed. The Examiner cites col. 8, line 60 – col. 10, line 41 that is directed towards effective use of conduits in parallel during synchronization of databases. It is unclear how Creemer is relevant to the present claims since the Examiner has

provided no differentiation in citation for any of the claims or any commentary. Accordingly, Applicant respectfully requests withdrawal of this rejection.

Conclusion

     All of the stated grounds of rejection have been properly addressed. Applicant therefore respectfully requests that the Examiner reconsider the outstanding rejections. The Examiner is invited to telephone the undersigned representative if an interview might expedite allowance of this application.

                                                   Respectfully submitted,

Date: February 22, 2010   By: /Shawn Diedtrich /
                                         Shawn Diedtrich
                                         Reg. No. 58,176

Correspondence Address   Direct Line: 480.704.4615
Cust. No. 49637
Berry & Associates, P.C.
9229 Sunset Boulevard, Suite 630
Los Angeles, CA 90069
Phone: (310) 247-2860
Fax: (310) 247-2864